

## Article - Criminal Law

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§3–211.

(a) (1) In this section the following words have the meanings indicated.

(2) “Under the influence of alcohol per se” means having an alcohol concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) (i) “Vessel” means any watercraft that is used or is capable of being used as a means of transportation on water or ice.

(ii) “Vessel” does not include a seaplane.

(b) (1) For purposes of determining alcohol concentration under this section, if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

(2) The presumptions and evidentiary rules of §§ 10–302, 10–306, 10–307, and 10–308 of the Courts Article apply to a person charged under this section.

(c) (1) A person may not cause a life–threatening injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(d) (1) A person may not cause a life–threatening injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by alcohol.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(e) (1) A person may not cause a life–threatening injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(2) A violation of this subsection is life–threatening injury by motor vehicle or vessel while impaired by drugs.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(f) (1) This subsection does not apply to a person who is entitled to use the controlled dangerous substance under the laws of the State.

(2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

(3) A violation of this subsection is life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates this subsection, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this article, or § 21-902 of the Transportation Article, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(g) For the purposes of application of subsequent offender penalties under subsection (c), (d), (e), or (f) of this section, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this article, or § 21-902 of the Transportation Article, shall be considered a violation of this section.

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